REMARKS

Claims 1-39 are pending in the present application. Claims 1, 11, 15, 19, 23, 26, 29 and 32 are independent claims.

Independent claims 1, 11, 19, 23, 26, 29 and 32 are hereby amended in accordance with the Examiner's suggested claim amendments discussed on June 9, and 17, 2004, with Applicant's representatives. These claim amendments are believed to render the claims patentable over the prior art of record as suggested by the Examiner. Accordingly, indication of allowance of these independent claims and their dependent claims is respectfully requested.

Rejections under 35 U.S.C §103

Claims 1-4, 8-9, 11, 13 and 36-38 stand rejected under 35 U.S.C §103(a) as being unpatentable over Tracton et al. in view of Cerna et al. Claims 15-26 and 29-30 stand rejected under 35 U.S.C §103(a) as being unpatentable over Margulis of Cerna et al. Claims 5-7, 12 and 14 stand rejected under 35 U.S.C §103(a) as being unpatentable over Tracton et al. in view of Cerna et al. and Margulis. Claim 10 stands rejected under 35 U.S.C §103(a) as being unpatentable over Tracton et al. in view of Cerna et al. and Peters et al. Claims 31-39 stand rejected under 35 U.S.C §103(a) as being unpatentable over Margulis in view of Cerna et al. and Tracton et al. These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

In the Advisory Action dated June 8, 2004, the Examiner provides various counter arguments against the Examiner's arguments presented in the Amendment filed on May 13, 2004. Particularly, the Examiner relies on Tracton for teaching scaling the video content based on a network speed. The Examiner argues that Cerna is relied on for only one single teaching, i.e., "dynamically varying the bend width of a packet based on changing traffic levels". The Examiner maintains that this is the feature that is not taught or suggested by Tracton. The Examiner maintains that the combination of Tracton and Cerna renders the claims obvious. Applicants respectfully disagree.

Regarding independent claims 15, 19, 23, 26, and 29, each of these independent claims requires the feature of varying an encoding rate of the video signals and a transmission rate of the mobile communication network in accordance with voice telephone call quantity information. Regarding independent claims 11 and 32, these claims require the feature of decoding the video signal/broadcast signal at a rate that varies according to voice telephone call quantity information. Independent claim 1 requires varying an encoding rate and a transmission bandwidth of video signals according to voice telephone call quantity information.

Tracton's "scaling" involves changing the format of a video signal, e.g., from high resolution video data to low resolution video data. However, Tracton's "scaling" does not involve varying a transmission rate of the mobile communication network or a transmission bandwidth of the video signal, as required by the independent claims.

On the other hand, Cerna et al. discloses varying *the voice* bandwidth based on the traffic volume. However, a *bandwidth* used to transmit voice data packets is not

equivalent to or renders obvious a transmission *rate* of the mobile communication *network* or a transmission bandwidth of the *video* signal. Thus, it is improper to equate Cerna's "voice bandwidth" variation to Applicants' variation of a transmission *rate* of the network or a transmission bandwidth of the video signal. Consequently, Cerna does not teach or suggest varying the transmission rate of the mobile communication network or the transmission bandwidth of the video signal in accordance with voice cell phone call quantity information, contrary to the Examiner's assertion.

Furthermore, Tracton only teaches scaling the web data content in accordance with the network speed, whereas Cerna only teaches varying the bandwidth of the voice data based on the call traffic volume. These teachings cannot be readily combined because Tracton's system pertains web browsing whereas Cerna's system pertains cellular system. Thus, it would not be obvious to modify Tracton's system in view of Cerna's teaching to render the claimed invention obvious. In this regard, clearly there is no motivation to modify Tracton to provide scaling of the data content in accordance with voice telephone call quantity information, because Cerna only discloses modifying the *voice bandwidth* in accordance with the call traffic volume.

The Examiner relies on Margulis for teaching a general TV system and thus, Margulis does not overcome the deficiencies of Tracton and/or Cerna.

Therefore, the combination of references fails to teach or suggest, *inter alia*:

> a controlling unit for varying an encoding rate of the video signals and the transmission bandwidth of the video signals in accordance with telephone call quantity information

as recited in independent claim 1;

the mobile communication terminal receives and decodes the video signal at a rate which varies in accordance with a voice telephone call quantity information

as recited in independent claim 11;

an encoding rate of the video signals and a transmission rate of the mobile communication network are varied in accordance with a voice telephone call quantity information

as recited in independent claims 15, 19, 23, 26;

the encoding-converting unit and the allotting-transmitting unit control the encoding rate of the video signals and the transmission rate of the mobile communication network, which are varied in accordance with a voice telephone call quantity information

as recited in independent claim 29; and

the mobile communication terminal receives and decodes the broadcast signal at a rate which varies in accordance with the voice telephone call quantity information

as recited in independent claim 32.

Accordingly, the invention as recited in independent claims 1, 11, 15, 19, 23, 26, 29 and 32, and their dependent claims (due to their independence) is patentable over the applied references, and the rejections must be withdrawn.

Conclusion

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicit an early issuance of a Notice of Allowance.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the

telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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